

1 **REBECCA BRUCH, ESQ.**
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2 **LEMONS, GRUNDY & EISENBERG**
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6
7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 BRETT WAGGONER, an Individual

Case No: 2:21-cv-01312-APG-EJY

10
11 Plaintiff,

12 v.

**JOINT AND UNOPPOSED
MOTION TO
RESCHEDULE EARLY
NEUTRAL EVALUATION
TO AN ALTERNATIVE
DATE**

13 NYE COUNTY; CHRIS ARABIA, in his
individual and official capacity; LEO
14 BLUNDO, in his individual and official
capacity; DOES I-X; ROE
15 CORPORATIONS I-X,

16 Defendants.
17

18 The parties through their counsel of record, Michael Balaban, Esq., on behalf of
19 Plaintiff Brett Waggoner (“Waggoner”); Brian Hardy, Esq., of Marquis Aurbach Coffing,
20 on behalf of Nye County District Attorney Chris Arabia (“Arabia”) and Nye County
21 Commissioner Leo Blundo (“Blundo”); and Rebecca Bruch, Esq., of Lemons, Grundy &
22 Eisenberg, on behalf of Nye County (“the County”), do hereby file this Joint and
23 Unopposed Motion to Reschedule the Early Neutral Evaluation to an alternative date. The
24 ENE is currently scheduled for November 8, 2021, at 10:00 a.m.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 The basis for this Joint and Unopposed Motion to Reschedule the Early Neutral
27 Evaluation is because County Counsel Bruch has a family matter which conflicts with the
28 November 8, 2021 date currently scheduled for the ENE. The parties bring this motion

1 jointly and without opposition.

2 On July 11, 2021, Waggoner filed this Complaint, in which he asserted seven causes
3 of action related to his employment with Nye County. *ECF No. 1*. In response, on
4 September 13, 2021, Blundo and Arabia filed a Motion to Dismiss as to all causes of action
5 pursuant to FRCP 12(b)(6). *ECF No. 13*. The County filed its Answer on September 13,
6 2021. *ECF No. 9*. Plaintiff has not yet responded to the Motion to Dismiss. The parties
7 will not be prejudiced by an alternative date since the dispositive Motion to Dismiss is
8 pending.

9 A date after November 8, 2021, is requested.

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1 Based on the foregoing, the parties request that the Court grant this Joint and
2 Unopposed Motion to Reschedule the Early Neutral Evaluation.

3 DATED this 22nd day of September, 2021.

4 LAW OFFICES OF MICHAEL P. BALABAN

5 By: /s/ Michael Balaban
6 MICHAEL P. BALABAN, ESQ.(SBN9370)
7 10726 Del Rubini Street
8 Las Vegas, NV 89141
9 *Attorneys for Plaintiff*

10 DATED this 22nd day of September, 2021.

11 LEMONS, GRUNDY & EISENBERG

12 By: /s/Rebecca Bruch
13 REBECCA BRUCH, ESQ. (SBN7289)
14 6005 Plumas St., Third Floor
15 Reno, Nevada 89519
16 *Attorneys for Defendant Nye County*

17 DATED this 22nd day of September, 2021.


18 MARQUIS AURBACH COFFING

19 By: /s/ Brian Hardy
20 BRIAN R. HARDY, ESQ. (SBN10068)
21 KATHLEEN A. WILDE, ESQ (SBN12522)
22 10001 Park Run Drive
23 Las Vegas, Nevada 89145
24 *Attorneys for Defendants*
25 *Chris Arabia and Leo Blundo*

26 **ORDER**

27 **IT IS SO ORDERED.** The Early Neutral Evaluation scheduled for November 8, 2021 is
28 VACATED and **RESET** for **Thursday, November 18, 2021 at 10:00 a.m.** via video
conference. IT IS FURTHER ORDERED that the confidential evaluation statements are
due by Noon on **Friday, November 12, 2021.** All other provisions of the Court's Order
(ECF No. 12) remain in effect.

DATED this 23rd day of September, 2021.


Daniel J. Albregts
United States Magistrate Judge